

DAK #13
Box 13

PTO/SB/64 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
GTC-21

First named inventor: Harry Meade

Application No.: 09/849,657

Art Unit:

Filed: May 4, 2001

Examiner:

Title: Transgenically Produced Decorin

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OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 665.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Notice to File Missing Parts (identify type of reply):

☒ has been filed previously on November 13, 2001.

☒ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

11/13/03
Date

Telephone Number: (508) 370-5150

Byron V. Olsen
Signature

Byron V. Olsen

Typed or printed name

GTC Biotherapeutics, Inc.

175 Crossing Boulevard, Suite 410

Address

Framingham, MA 01702

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Copy of Previously filed Response to Missing Parts; Letter; postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

November 14, 2003
Date

Kristin Kaberry
Signature

Kristin Kaberry

Type or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Meade et al.**

Art Unit No.: **Unknown**

Serial No.: **09/849,657**

Examiner: **Unknown**

Filed: **May 4, 2001**

For: **Transgenically Produced Decorin**

Atty. Docket No.: **GTC-21**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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LETTER

OFFICE OF PETITIONS

Sir:

In support of the *Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)* as submitted herewith, Applicant encloses a copy of the return postcard and cancelled check as evidence of USPTO's receipt of the Reply to Missing Parts which was filed by Applicant on November 13, 2001.

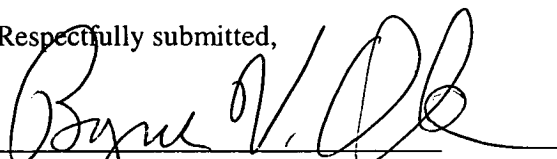
As a matter of courtesy, Applicant wishes to resubmit a copy of the Reply to Missing Parts, which includes a Combined Declaration and Power of Attorney as well as a paper copy and diskette of the Sequence Listing.

It is Applicant's understanding that no fee is due at this time, however, if the Applicant is incorrect, please charge any necessary fees for the above-captioned application to Deposit Account No. 502092.

Dated: 11/13/03

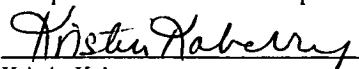
Respectfully submitted,

By:


Byron V. Olsen, Reg. No. 42,960
Attorney for Applicants
GTC Biotherapeutics, Inc.
175 Crossing Blvd., Suite 410
Framingham, MA 01702
Tel. #(508) 370-5150 Fax #(508) 370-3797

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify that under 37 CFR §1.8(a) that this correspondence is being deposited on November 14, 2003 with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Kristin Kaberry

PATENT

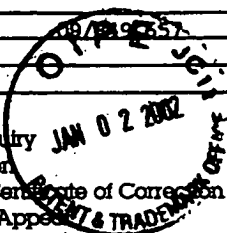
ATTORNEY DOCKET NO.: 10275-094001

The Patent and Trademark Office date stamp sets forth the date of receipt of:

Applicant or Patentee Harry Meade et alNo. (Application, Appeal, Interference, Patent, Reexam) 09/249,357Filing or Issue Date MAY 4, 2001Title: Transgenically Produced Decorin

- ☐ Transmittal Letter (2 Copies) ☐ With Pet. for Ext.
☐ Assignment ☐ Status Inquiry
☒ Amendment/Response 1 Pages ☐ Declaration
☐ Maintenance Fee ☐ Request Certificate of Correction
☒ Check \$ 400 ☐ Notice of Appeal
☐ Deposit Account Order Form (2 Copies) ☐ Appeal Brief (3 Copies) Pages
☐ Issue Fee ☐ Request Patent Copies ☒ Petition for Extension Time
☐ Information Disclosure Statement
☐ PTO 1449 Form- Pages
☐ Prior Art References-Number of References
☐ Drawings Sheets Formal Sheets Informal Sheets Amended
☒ Notice of Missing Parts
☒ Combined Declaration and Power of Attorney
☐ Small Entity Statement
☒ Other Preliminary Amendment (2 p.); Verified Statement under 37CFRss1.821(f)
Sequence Listing (2 p.); diskette copy of sequence listing

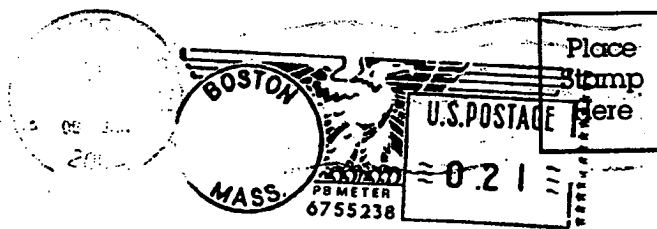
Atty/Sec. PLE/ Client/ Genzyme Transgenics Inc./
Initials LSB/ttk Matter Name TCI-094 Date 11/13/01



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FISH & RICHARDSON
225 Franklin Street
Boston, MA 02110

02110+2203



Paid Date = 01/08/2002
Account Number = 80071123
Check Number = 132119
Check Amount = \$400.00



FISH & RICHARDSON P.C.

225 Franklin Street
Boston, Massachusetts
02110-2804

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PAY Four Hundred and 00/100 DOLLARS

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52-153/112



FLEET MAINE, N.A.
SOUTH PORTLAND, ME

BY [Signature]

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FLEET

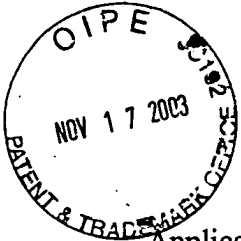
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14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harry Meade et al.
Serial No. : 09/849,657
Filed : May 4, 2001
Title : TRANSGENICALLY PRODUCED DECORIN

Art Unit :
Examiner :

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

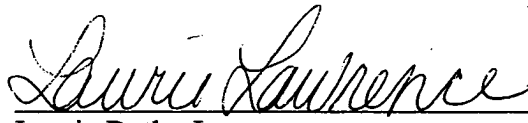
In response to the Notice to File Missing Parts of Application under 37 CFR §1.53(b) mailed July 12, 2001 (copy enclosed), applicant as a large entity submits herewith the following:

- ☒ Check in payment of \$130 surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application;
- ☒ Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;
- ☒ Other: Sequence Listing, paper copy and diskette.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 11/13/01


Laurie Butler Lawrence
Reg. No. 46,593

Fish & Richardson P.C.
225 Franklin Street
Boston, Massachusetts 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

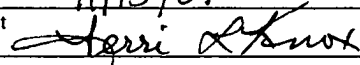
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20344607.doc

CERTIFICATE OF MAILING BY FIRST CLASS MAIL
I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit 11/13/01
Signature 
Typed or Printed Name of Person Signing Certificate Terri L. Knox



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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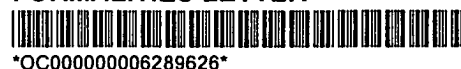
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/849,657	05/04/2001	Harry M. Meade	10275-094001

LOUIS MYERS
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804



CONFIRMATION NO. 9001

FORMALITIES LETTER



OC000000006289626

Date Mailed: 07/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216


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A copy of this notice MUST be returned with the reply.


Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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